

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1-6 remain in this application and, as amended herein, are submitted for Examiner's reconsideration.

In the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Na (U.S. Patent No. 6,366,731) in view of Kimoto (U.S. Patent Application Publication No. US 2002/0049972 A1). However, the Kimoto publication is disqualified as prior art for the purpose of showing obviousness of the claims.

The present application was filed on February 28, 2002 and claims priority from Japanese applications filed on February 29, 2000 and October 3, 2000.

Kimoto was published on April 25, 2002, subsequent to the February 28, 2002 filing date of the present application, and would qualify as prior art under 35 U.S.C. § 102(e). The Kimoto publication is the published application of U.S. Patent Application No. 10/021,495 ("the '495 Application") and is a divisional of U.S. Patent Application No. 09/284,698 ("the '698 Application"). The '495 Application is assigned to Sony Corporation, the assignee of the present application, based on an assignment that was executed on June 24, 1999 for the '698 Application. Both the '495 Application and the present application were thus owned by Sony Corporation at the time of the invention that is disclosed and claimed in the present application. Therefore, it is submitted that the Kimoto publication is disqualified as prior art under 35 U.S.C. § 103(c).

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

Application No.: 09/980,517


Docket No.: SONYTA 3.3-150

that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By   
Lawrence E. Russ

Registration No.: 35,342  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

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